



VILLAGE OF PALATINE

VILLAGE HALL - COUNCIL CHAMBERS 200 E. WOOD STREET
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PLANNING AND ZONING COMMISSION

MINUTES • NOVEMBER 12, 2024

Village Hall - Council Chambers

Regular Meeting

7:00 PM

I. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Patrick Noonan	Commissioner	Present	
Cindy Roth-Wurster	Commissioner	Present	
Eric Friedman	Vice Chairperson	Present	
Jan Wood	Chairperson	Present	
Rodney Bettenhausen	Commissioner	Present	
Robert Kolososki	Commissioner	Absent	
Kevin Cavanaugh	Commissioner	Absent	
Stephen Fedota	Commissioner	Present	
Tim Schubert	Commissioner	Absent	

II. MEETING MINUTES

1. Planning and Zoning Commission - Regular Meeting - Oct 22, 2024 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Rodney Bettenhausen, Commissioner
SECONDER:	Eric Friedman, Vice Chairperson
AYES:	Noonan, Roth-Wurster, Friedman, Wood, Bettenhausen, Fedota
ABSENT:	Kolososki, Cavanaugh, Schubert

III. PUBLIC HEARING

1. 343 W. Palatine Road

VAR-000138-2024 – 343 W. Palatine Rd.

Notice was published in the Journal & Topics on October 24th, 2024 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

- . **Variation Application**
- . **Proof of Ownership**
- . **Plat of Survey**
- . **Deck Plans**
- . **Public Notice**

Background:

The Subject Property is zoned R-2 Single Family and is part of the Gorsline's Addition to Palatine subdivision. The Subject Property is approximately 5,056 square feet. The lot currently consists of a single-family home and a long driveway down the east side of the lot to a 2-car detached garage in the rear yard. The existing lot coverage is approximately 61%.

The Petitioner is proposing to install a 205 square foot deck off the rear of their existing residence. The proposed project will ultimately reduce the total lot coverage for the subject property, as the plan includes removing an existing deck in the rear yard. The Petitioner is requesting Variation to permit lot coverage to be 61%, instead of the maximum permitted 45%.

Sworn in petitioner:

Kristin Berryhill – 740 W Carriage Way Ct – Palatine, IL and business address is 395 W. Northwest Highway – Archadeck of Chicagoland

Michael Gleason – 343 W Palatine Rd – Homeowner

Ms. Berryhill explains that she met with the homeowner to review the planned deck project. She describes the two existing backyard decks as non-functional, rotting, and detached from the house wall, which has prompted the desire to demolish and remove them. With a young daughter, the homeowner envisions a safe and enjoyable wood deck at the back of the house for family use. Ms. Berryhill notes that the rear yard will feature landscaping only, with no additional structures, and the deck on the right side of the house will be aligned with the angle of the driveway for a cohesive look.

Commissioner Roth-Wurster observes that the deck stairs will be five feet off the ground.

Ms. Berryhill confirms this height.

Commissioner Fedota asks for confirmation on the driveway being fully paved up to the garage.

Mr. Gleason confirms that the driveway is paved up to the garage door, with additional pavers on the side leading to the old deck.

Commissioner Fedota also inquires about the driveway dimensions and parking.

Mr. Gleason explains that the deck is designed to follow the contour of the driveway, allowing parking in both spots.

Mr. Bradshaw offers additional context on neighboring properties, mentioning that 334 W. Palatine received an administrative variation due to exceeding lot coverage. He notes that no engineering issues related to stormwater have been identified in the area, and that the proposed deck meets the required setback standards for permitted structures.

Commissioner Friedman remarks that homes of this size and age on lots like these often exceed current lot coverage regulations due to the original conditions under which they were built.

Mr. Bradshaw agrees, noting that this is another instance where the substandard lot size affects compliance with contemporary standards.

STAFF RECOMMENDATION:

The Petitioner is proposing a deck project that would ultimately reduce to the total lot coverage on the subject property. Additionally, as there are no stormwater management issues in the immediate area that were identified by the Village Engineering Department, the proposal should not alter the character of the locality. Furthermore, the subject property is substandard to the minimum lot size required for the R-2 Zoning District, creating a unique circumstance where it would be near impossible to comply with the maximum permitted 45% lot coverage. Based upon the existing circumstance, lack of any stormwater management concerns by the Village Engineer, and reduction to the existing lot coverage for the property, Staff does have any additional objections to the requested Variation and recommends approval, subject to the following condition:

1. The Variation shall substantially conform to the site plan and elevations submitted by the Petitioner, Danielle Scaccia, Archadeck of Chicagoland, except as such plans may be changed to conform to the Village's Codes and Ordinances.

There were no further questions. The public hearing was closed.

Commissioner Noonan made a motion to approve subject staff's conditions; seconded by Commissioner Roth-Wurster.

DISCUSSION:

Commissioner Roth-Wurster states that the project meets all necessary standards. She notes that removing the non-conforming deck material will not alter the character of the neighborhood. She believes the project is sensible for the homeowner and adds that there are no engineering concerns associated with it.

Chairman Wood acknowledges the unique circumstances of the property, noting the homeowner's existing deck is in disrepair and that the desire to replace it with a functional, improved deck requires a variation request. She believes that replacing the deck is logical and emphasizes the benefit of a newer, safer structure. Chairman Wood asserts that the updated deck will not alter the character of the neighborhood, as it doesn't add square footage but will enhance the property. She concludes that the project meets the standards for the requested variation.

Commissioner Friedman concurs with Chairman Wood's assessment, emphasizing that the project aligns with the standard regarding reasonable property use. He points out that the existing conditions, even without any deck, already exceed lot coverage regulations. He agrees that the homeowner's plan to replace the deck improves the property aesthetically and enhances safety while reducing the deck's overall size.

Chairman Wood notes that it is reasonable for a homeowner to expect the ability to improve their property, especially when it involves repairing or upgrading an existing structure. Commissioner Roth-Wurster adds that the homeowners are working with a reputable company, which further supports the quality and responsibility of the proposed improvements.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will tentatively go to Village Council on Monday, November 18th, 2024.

RESULT:	RECOMMEND TO APPROVE [UNANIMOUS]
MOVER:	Patrick Noonan, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Noonan, Roth-Wurster, Friedman, Wood, Bettenhausen, Fedota
ABSENT:	Kolososki, Cavanaugh, Schubert

2. 33 N. Winston Drive

VAR-000141-2024 – 33 N. Winston Dr.

Notice was published in the Journal and Topics newspaper on October 24th, 2024, and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

- . **Variation Application**
- . **Proof of Ownership**
- . **Plat of Survey – Site Plan**
- . **Fence Elevation Photos and Neighbor Letter & Petition of Support**
- . **Public Notice**

Background:

The Subject property is zoned R-2 Single-Family Residential and is located within the Winston Park Northwest Unit 1 subdivision. The approximately 7,750 square foot property contains a single-family detached house that also has a deck in the rear yard.

In August 2024, the Petitioner obtained a building permit (BLDE-018146-2024) and installed a residential fence, with the finished side of the fence facing in, toward the subject property, requiring a variation. Per Code, the finished side of an installed fence is required to face out, away from the subject property. Therefore, the Petitioner is requesting the following variation to permit the finished side of a residential fence to face in, toward the subject property, instead of the finished side facing out, as required.

Sworn in petitioner:

Dennis Tomaska – 531 Providence – Palatine, IL – property owner

Christopher Buemi – 1258 E. Norman Dr – Neighbor

Mr. Tomaska explains that he has purchased and renovated several properties in Palatine, enjoying the process of improving and beautifying dilapidated properties. He mentions that he has a full remodeling permit for this property and decided to apply for an additional fence permit due to the condition of the old landscaping. He believed that replacing the overgrown and rotting landscaping with a new fence would add further value to his project. He states that he personally introduced himself to the neighbor, discussed the project, and explained his plans to remove the old landscaping and install a fence. However, he acknowledges that although he obtained a permit for the fence, he did not notice the fine print on the stamped plans, which specified that the finished side of the fence should face outward toward the neighbor. Instead, he installed the finished side of the fence facing his own property. He admits that he made an error in the installation.

Mr. Buemi expresses his love for his home and the town, emphasizing that the installed fence is an improvement and beautification of his property. He mentions that he has no issues with the unfinished side of the fence facing his property and plans to add landscaping to further enhance the appearance. He also notes that he had neighbors sign a petition supporting the installation of the fence as it was put up, in hopes of having it remain in its current position.

Chairman Wood confirms that Mr. Buemi's intention is to add landscaping around the fence, and also asks if the new fence connects to the existing fence in the rear yard.

Mr. Buemi affirms the plan to add landscaping, and confirms that the fence does connect, leaving no gaps.

Mr. Tomaska reiterates that the fence was installed with the wrong side facing his property and apologizes for the oversight.

Commissioner Roth-Wurster refers to pictures of the existing conditions, noting that there is a fence on the other end, which belongs to Mr. Buemi, and that the existing fence is plastic.

Commissioner Friedman asks if the fence was installed on Mr. Tomaska's property.

Mr. Tomaska confirms.

Mr. Bradshaw explains that the fence is 6 feet tall and connects to the neighbor's 6-foot fence. There was already a separation between the two properties based on the existing landscaped hedge, and the fence is intended to replace the extended hedge.

Mr. Buemi shares that he spoke with Mr. Tomaska and requested that the hedge be left as it was along the side of the front yard of his property, 1258 E. Norman, as he liked it, and it has been preserved.

STAFF RECOMMENDATION:

The Petitioner evidently mistakenly installed a fence on a residential property, with the finished side facing in, instead of out as required. Staff understands that the submitted letter and signatures of support, and the narrative between the Petitioner and the adjacent property owner were components of the application. This information indicated that the Variation should not alter the character of the locality. And, the application materials indicate that the fence's location will likely only impact the 2 adjoining properties through a shared property line. Nevertheless, as these are basic code and building permit requirements, Staff recommends denial of the proposed Variation. If the Planning and Zoning Commission recommends approval, Staff recommends the following condition:

1. The Variation shall substantially conform to the site plan and fence elevation submitted by the Petitioner, Dennis Tomaska, except as such plans may be changed to conform to the Village's Codes and Ordinances.

Chairman Fedota asks what change would be needed to substantially conform.

Mr. Bradshaw explains that a variation would be granted, and the fence would have to comply with the site plan and elevation that are being moved forward. Chairman Roth-Wurster inquires about who the fence ordinance protects. Mr. Bradshaw clarifies that the ordinance aims to protect the adjacent property owners from an unfinished or unsightly appearance, ensuring that the finished side of the fence faces outward, providing a smooth and aesthetically pleasing surface. Commissioner Friedman acknowledges that the ordinance typically applies to three or four sides of a fence, noting that this case is unique because it concerns only one side of the fence.

There were no further questions. The public hearing was closed.

Commissioner Friedman made a motion to approve subject staff's conditions; seconded by Commissioner Ruth-Wurster.

DISCUSSION:

Commissioner Friedman comments that it's interesting because if the neighbor had been the one to purchase the fence, it would have been built correctly to code. He finds it odd to be in this bind because the same solution would have applied in that case.

Commissioner Fedota agrees that it is consistent with the existing fence and notes the unique situation. Since the neighbor is in favor and the solution is the right one, he supports the request.

Commissioner Roth-Wurster appreciates that there was discussion and mentions that the fence looks good on both sides, with the neighbor supporting the installation.

Commissioner Bettenhausen points out that if the fence were around three sides of the property, the situation might be different. However, since it is only a short section of fence and it looks good, he supports the request.

Chairman Wood acknowledges staff's position but believes this is a great example where a variation makes sense. She highlights the small lot and the unique circumstances, stating that the fence looks nice as installed. She believes the variation meets the reasonable return standard and is in favor of the request.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will tentatively go to Village Council on Monday, November 18th, 2024.

RESULT:	RECOMMEND TO APPROVE [UNANIMOUS]
MOVER:	Eric Friedman, Vice Chairperson
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Noonan, Roth-Wurster, Friedman, Wood, Bettenhausen, Fedota
ABSENT:	Kolososki, Cavanaugh, Schubert

3. 1185 E. Dundee Road

Commissioner Noonan made a motion to continue item 9417 1185 E. Dundee Road to the next Planning and Zoning Commission meeting; seconded by Commissioner Roth-Wurster.

RESULT:	CONTINUED [UNANIMOUS]	Next: 11/26/2024 7:00 PM
MOVER:	Patrick Noonan, Commissioner	
SECONDER:	Cindy Roth-Wurster, Commissioner	
AYES:	Noonan, Roth-Wurster, Friedman, Wood, Bettenhausen, Fedota	
ABSENT:	Kolososki, Cavanaugh, Schubert	

4. 265 N. Northwest Highway

SU-000131-2024 – 265 N. Northwest Highway

Notice was published in the Journal & Topics on October 24th, 2024 and mailed to the owners of the surrounding properties.

Petitioner's Exhibits:

- . **Special Use Application**
- . **Proof of Ownership**
- . **Plat of Survey**
- . **Site Plan**
- . **Floor Plan**
- . **Building Elevations and Floor Plan**
- . **Public Notice**

Background:

The Subject Property is zoned B-2, General Business, and is part of the Arthur T. MacIntosh & Co.'s Fair Grounds Park. The existing Wendy's restaurant, with a drive-through, was originally granted a Special Use in 1976 (#O-10-76). The restaurant has gone through a couple of amendments since it had opened to add an outdoor freezer (#O-13-83) and for a building addition (#O-141-88). The Special Use for the restaurant was most recently transferred to Hamra Chicago, LLC in 2016 (#O-152-16).

The Petitioner is proposing to demolish the existing building and re-construct a new, approximately 2,200 square foot, Wendy's restaurant and drive-through. The Petitioner is requesting a Special Use to permit a restaurant, with a drive-through, in a new building at the subject property.

Chairman Wood asks what the existing square footage is.

Mr. Bradshaw states it is comparable in size.

Sworn in petitioner:

Bonnie Simon – 265 N. Northwest Highway - Director for Hamra Gateway LLC for the Chicago market.

Ms. Simon explains that the plan is to demolish the existing structure and replace it with a brand-new building. The new building will match the design of their other new location on Dundee, and will also include patio seating. She highlights that the location is frequented by many kids and cyclists and the added patio will be a good addition.

Chairman Wood inquires if the 6' fence in the back will it remain.

Ms. Simon explains that they are considering either installing a new fence or

adding landscaping at the back of the property to block noise. She notes that the new location will be more digital, with many orders placed through the app, and a walk-up window will be added, which should help reduce noise levels.

Chairman Wood asks staff if they would be required to have a fence vs. landscaping.

Mr. Bradshaw states it was not a condition but can be added.

Chairman Wood expresses that it is likely the neighbors would prefer the fence to be replaced, as it would help mitigate noise and light, which are important factors to consider for the surrounding area.

Ms. Simon then notes that the dumpster area is being shifted to back up to the commercial property next door instead of the neighbors back yards.

Commissioner Friedman states there was a recent meeting regarding fencing that backed up to neighbors and asks about the elevation. Would it be an advantage to the neighbors to have the fence installed on the Wendy's property due to the difference in elevation between the subject property and the neighbors to the east.

Ms. Simon clarifies that there is no significant change in elevation between the Wendy's property and the neighboring properties, meaning the fence would not provide any substantial benefit in terms of height or additional privacy due to the terrain. However, it would still help mitigate noise and light as discussed earlier.

Commissioner Friedman notes on the new site plan that the order board is closer to the rear property line that backs up to the residential area.

Ms. Simon confirms that is correct. She explains they put parking and the patio in the front and it shifts the building back closer to the property line. The existing site has parking in the back and the new site plan does not have any parking in back.

Commissioner Friedman inquires if the menu board has speakers designed to have less noise pollution spilling into the adjacent residential properties.

Ms. Simon explains that the new order board at the Wendy's location is designed with directional speakers that aim to reduce sound spillover, ensuring the person taking the order can hear the customer clearly without broadcasting sound to the surrounding area. This helps address potential noise concerns from the menu board near the rear property line that backs up to a residential area.

Chairman Wood clarifies that with the new layout, the driveway will be pushed further back, ensuring that no cars will be facing the residential area.

Ms. Simon confirms this and adds that even the current parking spaces in the rear of the building are rarely used, implying that the new design will not significantly affect the residential neighborhood in terms of vehicle presence.

Commissioner Roth-Wurster inquires about any potential upgrades or changes to

the shared parking with the shopping center next door.

Ms. Simon refers to the site plan and highlights the existing parking spots. She explains which parking areas belong to their location, speculating which spots may remain and which might be removed as part of the redesign.

Mr. Bradshaw clarifies that the new curb will remain the same, and the angled parking spaces to the north will stay as part of a restricted covenant for shared spaces. He assures that no parking spaces will be eliminated, and the covenant will not be affected.

Commissioner Roth-Wurster expresses concern about how this will impact the drive-through.

Mr. Bradshaw responds that the escape lane will be partially protected by the curb, preventing vehicles from driving behind parked cars.

Ms. Simon adds that the new design will create a positive flow, allowing vehicles to circle the building, which is not possible under the existing layout.

Commissioner Friedman refers to the floor plan and asks for clarification about the cooler/freezer area, the dry goods storage area, and the seating/desk area.

Ms. Simon confirms that the seating area is for the manager's workspace but emphasizes that it is not an office. Instead, it functions more like an ICS (Incident Command System) box, which is typically used for operational purposes but not intended for extended office work.

Commissioner Friedman asks if the equipment and layout will be reviewed during the building permit process, rather than affecting the building itself.

Mr. Bradshaw confirms that the equipment and layout will be addressed during the permit phase. He clarifies that the specific use of each space within the rear storage/office area does not significantly affect zoning or parking requirements, as the entire square footage of the building is considered in the parking calculations. The specifics of the walls and equipment will be reviewed during the building permit phase.

Commissioner Bettenhausen asks if any of the spaces facing the street will be designated for customers waiting to pick-up orders.

Ms. Simon confirms that the spaces facing the street will primarily be used for customers to pick up orders, especially for mobile orders. She explains that there is a walk-up window where customers can pick up their orders, and when the dining room is closed, the walk-up window will be utilized for mobile orders and delivery drivers as well.

Mr. Bradshaw provides additional details about the proposed project. He states that the hours of operation for the new Wendy's location will be from 5:30 AM to 2:00 AM. The design of the drive-thru includes an escape lane and exceeds the minimum requirement of 7 stacking spaces. The site plan also includes a detention basin along the rear property line, along with 4-foot-high landscaping and retaining walls along the east and west sides of the proposed basing. Additionally, the plan includes 27 parking spaces, which exceeds the required 23 parking spaces based on the facility's size (1 space per 100 square feet).

Chairman Wood asks if there have been any issues with the business hours.

Mr. Bradshaw responds that Staff is not aware of any issues.

Chairman Wood then notes that the site plan shows both the fence and the detention basin, confirming that the fence will remain in place.

Mr. Bradshaw clarifies that he misspoke earlier and states that there is a condition of approval for the proposed special use that requires a final landscaping and fencing plan to be submitted to the director of planning and zoning.

Commissioner Noonan states that additional landscaping would be a good idea, instead of having two fences back-to-back. Having two fences could create a maintenance issue between the two fences.

Commissioner Fedota asks about snow removal.

Ms. Simon responds that they would either remove or push the snow, and may use a couple of parking spots if necessary.

Commissioner Friedman notes that there is no specific site plan, but observes that the proposed 4' deep detention basin between the parking lot and the fence could create a tub-like area for snow accumulation.

Ms. Simon expresses excitement for the new project.

STAFF RECOMMENDATION:

The proposed restaurant and drive-through is both consistent with the surrounding uses in this area of the Northwest Highway corridor and the Subject Property has operated as a restaurant, with drive-through since 1976. The proposed site plan exceeds the Village's minimum zoning requirements. Additionally, the proposed detention basin would address MWRD requirements and also provide separation and greenspace from the adjacent residential lots to the east. Therefore, Staff recommends approval of the proposed Special Use, subject to the following conditions:

1. The Special Use shall substantially conform to the site plan, floor plan, and elevations submitted by the Petitioner, Wertzberger Architects, except as such plans may be changed to conform to the Village's Codes and Ordinances.
2. The final landscaping and fencing plan shall be submitted in a manner acceptable to the Director of Planning and Zoning, in conjunction with the building permit application.
3. An MWRD permit will be required. If any proposed work is within the right-of-way of Northwest Highway, an IDOT permit will be required.
4. The Special Use shall be granted to Hamra Chicago, LLC, in conjunction with the operation of a restaurant with a drive-through.

There were no further questions. The public hearing was closed.

Commissioner Noonan made a motion to approve subject staff's conditions; seconded by Commissioner Roth-Wurster.

DISCUSSION:

Commissioner Fedota acknowledges that the business is an existing one choosing to stay in Palatine and is updating the facility with consideration for the neighbors behind. He expresses his satisfaction with Hamra Gateway operating three locations in Palatine.

Commissioner Roth-Wurster states that the standards have been met.

Commissioner Friedman states it will be a nice upgrade.

Chairman Wood summarized that this request has met the standards and was unanimously approved by a vote of 6-0. This item will tentatively go to Village Council on Monday, November 18th, 2024.

RESULT:	RECOMMEND TO APPROVE [UNANIMOUS]
MOVER:	Patrick Noonan, Commissioner
SECONDER:	Cindy Roth-Wurster, Commissioner
AYES:	Noonan, Roth-Wurster, Friedman, Wood, Bettenhausen, Fedota
ABSENT:	Kolososki, Cavanaugh, Schubert

IV. COMMUNICATIONS

V. ADJOURNMENT